

Application No.: 10/626,080

Docket No.: 29618/38939

**REMARKS**

Claims 1-24 and 26-31 were reviewed in the most recent non-final office action, dated April 6, 2005. Applicants appreciate the indication that claims 1-17, 22-24, and 26-31 are allowed, and that claims 19 and 20 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claims 18 and 21 stand rejected. Further, claims 32 and 33, although added in the Amendment A, dated January 5, 2005, were not substantively examined.

**Claims 18-21 is Allowable.**

Applicants traverse the rejection to claim 18, as amended, under 35 U.S.C. § 102(b) as being anticipated by Evenson, U.S. Patent No. 4,512,480. Claim 18 now recites, in part, a band connected to the second end of the plate and extendable over the plurality of vanes. Evenson fails to disclose or suggest a band.

Evenson depicts a device with a base 22 and a plurality of tilt plates 24. The plates 24 each include a round edge 42 bearing against the base 22, and each plate 24 can rotate about their round edge 42 between a locked upright position, and two generally upright angled positions defined by angles  $\alpha$  and  $\beta$ . Evenson fails to disclose a band that can be extended over the plurality of tilt plates. Thus, the office must withdraw the rejection of claim 18 for anticipation. Further, because none of the cited references in either of the office actions discloses such a band, the cited references provide no suggestion for the recited band. Accordingly, claim 18 is allowable over Evenson. Dependent claims 19-21 are allowable for at least the same reasons.

**Claim 32 is Allowable.**

Claim 32 was added by way of amendment in Amendment A, filed on January 5, 2005, and was not substantively examined in the most recent office action. Accordingly, a rejection to claim 32 would be a new rejection, and the office action could not be made final. Claim 32 recites, in part, a vane including first and second tabs and a tongue extending from a second end, the tongue being between the first and second tabs; wherein the first and second tabs extend

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through slots in a plate to the bottom side of the plate, and the tongue is on the top side of the plate, wherein the tongue restricts the vane from rotating about an axis defined by the slots.

While Evenson discloses tilt plates 24 that include tabs 90 extending downward through openings 26, Evenson fails to disclose a tongue between the tabs on the top side of the plate. Further, Evenson fails to disclose any structure on the top side of the plate between the tabs that restricts the tilt plates 24 from rotating. Accordingly, claim 32 is not anticipated by Evenson.

Claim 32 is also non-obvious over Evenson, because Evenson teaches away from a tongue restricting the vane from rotating. Evenson discloses that it is a broad object of the invention to provide a fixed mode and a tilt mode for the dividers or tilt plates therein. See Evenson, col. 1, lines 49-53. Evenson teaches that the tilt plate is free to rotate about the rounded edge 42 when the device is in tilt mode. Accordingly, Evenson provides no suggestion for a tongue on the top side of the plate that restricts rotation. Claim 32 is therefore allowable, and dependent claim 33 is allowable for at least the same reasons.

### CONCLUSION

In view of the above amendment, the pending application is in condition for allowance. No fee is believed due at this time. However, if any fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29618/38939 from which the undersigned is authorized to draw.

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Respectfully submitted,

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